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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,190	10/15/2003	Gregory B. Hale	58085-010204	7573
33717	7590	08/04/2004	EXAMINER	
GREENBERG TRAUIG LLP 2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404			HARTMAN JR, RONALD D	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/687,190

Applicant(s)

HALE ET AL.

Examiner

Ronald D Hartman Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. This application is a CIP of 6,173,209; filed on 8/10/1999. However, since cellular telephones were not adequately described in the specification of 6,173,209, the effective filing date for this application is 10/15/2003.

### ***Claim Objections***

2. Claim 1, line 1, "of" should be inserted between "movement" and "persons". Also, line 4, "a" should be inserted in between "with" and "departure". Further, in line 11, "to at a second location" should be changed to "to a second location".

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, line 2, "the environment" lacks proper antecedent basis.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena et al., U.S. Patent No. 5,978,770, in view of Croughwell et al., U.S. Patent No. 5,966,654.

As per claim 1, Waytena et al. teaches a method of managing the movement of people using a device connected to a wireless cellular medium, the method comprising:

- a person at the first location, keying in an input, using a device connected to the wireless cellular medium, for reserving a departure time and this input is sent to a central computer which processes and controls the flow of people at the first location in reference to people being directed to a second location (e.g. a person using the PCD to schedule an itinerary for a person or group of persons visiting an amusement park, the amusement park having many attraction, or locations; Figure 1 and Figures 5b-5e; C1 L10-12; C2 L49-57; C6 L31-38; C6 L61-67; C6 16-19); and
- in response to receiving the person's input, the central computer determines information about available departure times from the first location and sends this information to the person, whereby the person then selects one of the available departure times, using the device connected to the wireless cellular medium (e.g. C20 L41-64 and C5 L33-40 and C11 L18-61 and C14 L36-51 and C20 L27-40).

As per claim 1, although Waytena teaches the use of a personal communication device that uses a cellular wireless communication medium, Waytena does not specifically teach the device being a cellular telephone.

Croughwell et al., teaches the use of a cellular telephone for use in a theme park, wherein the telephone is used for scheduling admission times for attractions (e.g. C2 L18-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Croughwell into Waytena since both inventions are related to analogous art in that both inventions serve to

provide a wireless communications means for scheduling visits to attractions within a theme park so that a person or group of people may avoid actually having to wait in a physical waiting line. Also, it would have been obvious since it would also provide a means by which patrons of the theme park could easily communicate directly with one another.

6. As per claims 2 and 3, Waytena's combined system (Waytena in view of Croughwell) teaches the use of a cellular telephone keypad (e.g. See Croughwell; C8 L16-19).

7. As per claim 3, Waytena's combined system (Waytena in view of Croughwell) teaches the use of multiple locations (e.g. See Waytena; C5 L1-5).

8. As per claim 4, Waytena teaches that if a person is not allocated a time for departure, the person is permitted to depart on a first come first serve basis (e.g. See Waytena; Figure 1 element 103; C3 L55-63 and C5 L40-58).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is 703-308-7001. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.  
Examiner  
Art Unit 2121

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*Ramesh Patel*  
RAMESH PATEL  
PRIMARY EXAMINER  
7/30/04  
*For Anthony Knight*